

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION#**

CONTINENTAL CASUALTY COMPANY,

Plaintiff/Counterclaim Defendant,

v.

AWP USA INC. a/k/a AGA, INC., et al.,

Defendants/Counterclaim Plaintiffs.

Case No. 3:19-cv-00661-MHL

**JOINT STATEMENT REGARDING CONTINENTAL CASUALTY COMPANY'S
NOTICE OF OBJECTION**

Pursuant to Paragraphs 23(a) through (g) of the Court's August 5, 2021 Initial Pretrial Order (ECF No. 49), Plaintiff Continental Casualty Company ("Continental") and Defendants AWP USA Inc. a/k/a AGA, Inc., Jefferson Insurance Company, and AGA Service Company (collectively, "Defendants") (together with Continental, the "Parties") submit this Joint Statement in response to Continental's Notice of Objection (ECF No. 54).

A. Conferral Certification

Pursuant to Paragraph 23(g) of the Court's August 5, 2021 Initial Pretrial Order, undersigned counsel certifies that the parties, through counsel, have made a good faith effort to resolve this discovery dispute. The parties' conferral efforts include multiple letters, emails, and phone calls, dating back to September 2, 2021, and occurring as recently as today. The parties' formal meet and confer letters are attached as exhibits to Continental's Notice of Objection.

B. Arguments

The Parties have resolved their dispute with respect to Request Nos. 4, 6, 7, and 8. Attached as **Exhibit A** is a chart identifying the remaining discovery requests in dispute and each

party's respective position with respect to the issues, including the applicable facts, supporting law, and legal analysis. Attached as **Exhibit B** is the Affidavit of Jack Zemp in Support of Defendants' Discovery Objections and Answers.

C. Request for Hearing

The Parties believe a hearing is necessary and will assist the Court in resolving this dispute and will jointly contact the Court to schedule a hearing.

Dated: November 19, 2021

<u>/s/ Michael S. Levine</u> Virginia Bar # 48013 HUNTON ANDREWS KURTH LLP 2200 Pennsylvania Avenue, NW Washington DC 20037-1701 Telephone: (202) 955-1857 Fax: (202) 861-3685 Email: MLevine@HuntonAK.com Cary D. Steklof* Florida Bar #86257 333 S.E. 2nd Ave., 24th Floor Miami, Florida 33131 Telephone: (305) 810-2500 Email: CSteklof@HuntonAK.com *Admitted pro hac vice <i>Counsel for AWP USA Inc., AGA Service Company, and Jefferson Insurance Company</i>	<u>/s/ Margaret T. Karchmer</u> Margaret T. Karchmer Virginia Bar No. 89630 Richard A. Simpson Virginia Bar No. 32454 Mary E. Borja (<i>pro hac vice</i>) WILEY REIN LLP 1776 K Street NW Washington, DC 20006 Telephone: (202) 719-7000 Facsimile: (202) 719-7049 Email: rsimpson@wileyrein.law Email: mkarchmer@wiley.law Email: mborja@wiley.law <i>Counsel for Plaintiff Continental Casualty Company</i>
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